

REMARKS

Applicant appreciates the Examiner's thorough consideration provided the present application. Claims 1-30 are now present in the application. Claims 1, 11 and 21 are independent. Reconsideration of this application, as amended, is respectfully requested.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-4, 6-14, 16-24 and 26-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Myers, U.S. Patent Publication Application No. US 2002/0037104 A1. Claims 5, 15 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Myers in view of Uchihashi, *Video Manga: Generating Semantically Meaningful Video Summaries*. These rejections are respectfully traversed.

Independent claim 1 recites "an illustration-extracting module for extracting a key frame from the video data according to the production guide, the key frame serving as the illustration part" and "a book-producing module for producing the book according to the extracted text part and illustration part".

Independent claims 11 and 21 recite "an illustration-extracting step for extracting a key frame from the video data according to the production guide, the key frame serving as the illustration part" and "a book-producing step for producing the book according to the extracted text part and illustration part".

Applicant respectfully submits that the above combination of elements/steps as set forth in independent claims 1, 11 and 21 is not disclosed nor suggested by the references relied on by the Examiner.

Myers discloses an apparatus for recognizing text in an image sequence, including an image capturing sensor 116 and a text recognition and extraction engine 120 (see FIG. 1). As the Examiner correctly indicated, Myers fails to teach “an illustration-extracting module...” as recited in claim 1. In addition, Myers also fails to teach “a book-producing module...” as recited in claim 1.

However, the Examiner asserted that it would have been obvious to one of ordinary skill in the art at the time of the invention to have extracted an image from a video and index the image to produce an indexed photo album of book and using the extracting text, because Myers teaches using the extracted text to index images (see Office Action, page 6, lines 12-15). Applicant respectfully disagrees.

According to MPEP §2143, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination

and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure.

First, Myers merely discloses an apparatus and a method for portably recognizing text in an image sequence of scene imagery. Myers fails to teach or suggest anything relating to a book producing system as the present invention claims. Myers only teaches that the text resulting from the text recognition and extraction engine 120 can be provided for image and video indexing and archiving (see paragraph [0031]). In particular, Myers teaches that the image and video indexing and archiving are for storage identification and as a means to increase the accuracy of targeted marketing programs (see paragraph [0078]). Myers discloses that an example is to apply this technique on an internet photo server using the results to increase accuracy that the pop up ads the users seeks is relevant (see paragraph [0078]). There is no suggestion or motivation, either in Myers itself or in the knowledge generally available to one of ordinary skill in the art, to modify the apparatus teaching using the extracted text to index images into a book producing system. Thus, the first criterion is not met.

In addition, Myers fails to teach or suggest all the claim limitations because, as mentioned, Myers fails to teach or suggest "an illustration-extracting module..." and "a book-producing module..." recited in claim 1. As mentioned, the Examiner alleged that these features are obvious to one of ordinary skill in the art because Myers teaches using the extracted text to index images. However, Myers' teaching of indexing image in no

way teaches or suggests extracting a key frame from the video data according to the production guide to produce a book as recited in claim 1. It would be impermissible hindsight based on Applicant's own disclosure to incorporate the teachings of Myers (*i.e.*, using the extracted text to index images) with teachings not found in the utilized prior art (*i.e.*, extracting an image from a video data and producing a book based on the extracted image and text). Therefore, the third criterion is also not met.

In light of the above, Applicant respectfully submits the Examiner failed to establish that Myers is a proper *prima facie* case of obviousness for claim 1, as well as for claims 11 and 21 at least for the same reasons above.

With regard to the Examiner's reliance on Uchihashi, this reference has only been relied on for its teachings of speech recognition. This reference also fails to cure the deficiencies of Myers.

Accordingly, none of the references utilized by the Examiner individually or in combination teach or suggest the limitations of independent claims 1, 11 and 21 or their dependent claims. Therefore, Applicant respectfully submits that all of the claims clearly define over the teachings of the references relied on by the Examiner.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103 are respectfully requested.

CONCLUSION

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but merely to show the state of the prior art, no further comments are necessary with respect thereto.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact Joe McKinney Muncy, Registration No. 32,334 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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